



FEDERAL ELECTION COMMISSION
Washington, DC 20463

MEMORANDUM

TO: THE COMMISSION
STAFF DIRECTOR
GENERAL COUNSEL
FEC PRESS OFFICE
FEC PUBLIC DISCLOSURE

FROM: COMMISSION SECRETARY *MMD*

DATE: AUGUST 17, 2005

SUBJECT: COMMENT: DRAFT AO 2005-10

Transmitted herewith is a timely submitted comment by Representative Juanita Millender-McDonald, regarding the above-captioned matter.

Proposed Advisory Opinion 2005-10 is on the agenda for Thursday, August 18, 2005.

Attachment

AUG. 16. 2005 7:59PM

HON. JUANITA McDONALD 3105389672

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Congress of the United States
House of Representatives
Washington, DC 20515-0537

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SMALL BUSINESS

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FINANCE AND EXPORTS

August 15, 2005

Dear Chairman Thomas:

As a Member of Congress, I write to express my concerns about the draft advisory opinion to be considered by the Commission on Thursday, in connection with the request submitted by Congressman Berman and Congressman Doolittle.

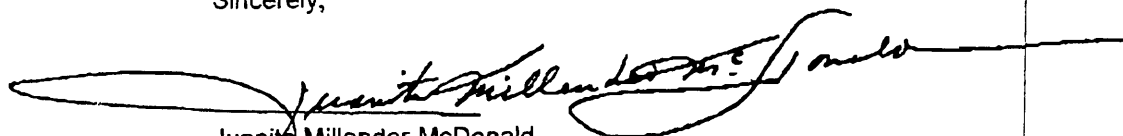
Our jobs as Members require us to lead on issues of public concern, and to be fully active and involved in the debates that affect those whom we represent. From the vantage point of our constituents, it is not always enough to say that we can be active in some ways, and not in others. Especially when the issues are important, there must be a compelling reason for us to be less engaged. Simply showing up at an event, or lending one's name to an endorsement, is not enough. Our constituents expect all of our energies and capabilities to be directed toward their interests.

Congressman Berman and Congressman Doolittle have asked the Commission for permission to participate fully in a critical debate that will shape the future of their state. The draft response to their request would deny them the ability to do that. While others in the debate have secured themselves the right to participate on an unrestricted basis, the Congressmen would be unable to lend the full weight of their support to their side of the issues. One wonders how others might exploit similar disparities in power in other future situations.

It is not evident to me that there is a compelling reason for this outcome. Here, the requesting Congressmen do not seek to exploit or create any loophole in the campaign finance laws. They do not seek to promote their own re-election campaigns through the guise of ballot initiative activity. They seek simply to do what their constituents expect them to do, which is to lead on the issues they care about.

The outcome reached by the draft opinion is not what many of us would have envisioned when the Shays-Meehan legislation was debated and passed. I hope that the Commission will find some way to accommodate what seems to me, and what must seem to many of my colleagues, to have been a reasonable request.

Sincerely,


Juanita Millender-McDonald
Member of Congress

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